

08-09-01

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08/08/01

# UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No. 99-31 Total Pages 33

First Named Inventor or Application Identifier

SCARBERRY

 Title Pneumatic Release Mechanism for a Patient  
Contacting Article

Express Mail Label No. EL 740323975 US

 1017 U.S. PTO  
09/924869

08/08/01

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

## ADDRESS TO:

 Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1. ☒ Fee Transmittal Form  
(Submit an original, and a duplicate for fee processing)
2. ☒ Specification [Total Pages 17]  
(preferred arrangement set forth below)  
-Descriptive Title of the Invention  
-Cross References to Related Applications  
-Statement Regarding Fed sponsored R & D  
-Background of the Invention  
-Brief Summary of the Invention  
-Brief Description of the Drawings (if filed)  
-Detailed Description  
-Claim(s)  
-Abstract of the Disclosure
3. ☒ Drawing(s) (35 U.S.C. § 113) [Total Sheets 4]
4. ☒ Oath or Declaration [Total Pages 2]  
a. ☒ Newly executed (original or copy)  
b. ☐ Copy from a prior application (37 C.F.R. § 1.63(d))  
(for continuation/divisional with Boxes 19 and 20 completed)  
[Note Box 5 below]  
i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting  
inventor(s) named in the prior application,  
see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).  
c. ☐ Unsigned
5. ☐ Incorporation By Reference (useable if Box 4b is checked)  
The entire disclosure of the prior application, from  
which a copy of the oath or declaration is supplied  
under Box 4b, is considered as being part of the  
disclosure of the accompanying application and is  
hereby incorporated by reference therein.
6. ☒ Application Data Sheet per 37 C.F.R. § 1.76

[Total Pages 1]

7. DOMESTIC/INTERNATIONAL priority is claimed under 35 U.S.C. § 119(e)/120/365(c)  
based on the following provisional, nonprovisional, and/or PCT international applications.

|     | Application No. | Filing Date     |
|-----|-----------------|-----------------|
| (1) | 60/224,243      | August 10, 2000 |
| (2) |                 |                 |

8. ☒ Prior application is assigned to Respironics, Inc. by Assignment  
recorded September 11, 2000 Reel 011150 Frame(s) 0078.

## ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))  
(Please return recorded assignment to the undersigned)
10. ☐ 37 C.F.R. § 3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure ☐ Copies of IDS Citations  
Statement (IDS)/PTO-1449
13. ☐ Preliminary Amendment (to be entered before calculating fees)
14. ☒ Return Receipt Postcard  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☒ Certificate of Mailing by Express Mail
17. ☒ Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i)  
(attach copy of RI-186 Form (PTO/SB/35)).
18. ☐ Other: \_\_\_\_\_

19. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. \_\_\_\_\_

Prior application Information: Examiner: \_\_\_\_\_ Group/ArtUnit: \_\_\_\_\_

20. Please amend the specification by inserting before the first line the sentence: This is a ☐ Continuation ☐ Divisional

☐ Continuation-in-part (CIP) of prior application No. \_\_\_\_\_

## 21. CORRESPONDENCE ADDRESS

|         |   |           |              |          |              |
|---------|---|-----------|--------------|----------|--------------|
| NAME    | Michael W. Haas<br>Intellectual Property Counsel<br>RESPIRONICS, Inc. |           |              |          |              |
| ADDRESS | 1501 Ardmore Boulevard  |           |              |          |              |
| CITY    | Pittsburgh  | STATE     | PA           | ZIP CODE | 15221-4401   |
| COUNTRY | US  | TELEPHONE | 412-473-5026 | FAX      | 412-473-5021 |

|           |                        |          |                 |
|-----------|------------------------|----------|-----------------|
| Name      | Michael W. Haas        | Reg. No. | 35,174          |
| Signature | <i>Michael W. Haas</i> | Date     | August 08, 2001 |

**FEE TRANSMITTAL**

(Effective 10/01/2000)

Application Number Not Yet Assigned

Filing Date August 08, 2001

First Named Inventor SCARBERRY

Confirmation Number Unknown

Group Art Unit Unknown

"Express Mail" Label No. EL 740323975 US

Examiner's Name Unknown

TOTAL AMOUNT OF PAYMENT \$ 750.00

Attorney Docket No. 99-31

**METHOD OF PAYMENT**1. ☒

The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit  
Account  
Number  
Deposit  
Account  
Name

50-0558

Respironics, Inc.

☒Charge any additional  
fee required under 37  
C.F.R. §§ 1.16, 1.17  
1.19 and 1.20☐Charge the Issue Fee set  
forth in 37 C.F.R. § 1.182. ☒ Payment Enclosed:

Check (Check No. 1009)

**FEE CALCULATION (fees effective 10/01/00)****1. FILING FEE**

| Large<br>Fee (\$) | Entity<br>Fee (\$) | Small<br>Fee (\$) | Entity<br>Fee (\$) | Fee Description        | Fee Paid |
|-------------------|--------------------|-------------------|--------------------|------------------------|----------|
| 101               | 710                | 201               | 355                | Utility filing fee     | 710.00   |
| 106               | 320                | 206               | 160                | Design filing fee      |          |
| 107               | 490                | 207               | 245                | Plant filing fee       |          |
| 108               | 710                | 208               | 355                | Reissue filing fee     |          |
| 114               | 150                | 214               | 75                 | Provisional filing fee |          |

**SUBTOTAL (1)** \$ 710.00**2. CLAIMS**

|                               | Large<br>Fee (\$) | Entity<br>Fee (\$) | Small<br>Fee (\$) | Entity<br>Fee (\$) | Extra<br>Claims | Fee from<br>Below | Fee Paid |
|-------------------------------|-------------------|--------------------|-------------------|--------------------|-----------------|-------------------|----------|
| Total Claims                  | 16                | - 20 *             | 0                 | x                  | 18              | =                 | 0.00     |
| Ind. Claims                   | 3                 | - 3 *              | 0                 | x                  | 80              | =                 | 0.00     |
| Multiple Dependent Claims add |                   |                    |                   |                    | 270             | =                 | 0.00     |

\* Enter Highest Number Previous Paid For

| Large<br>Fee (\$) | Entity<br>Fee (\$) | Small<br>Fee (\$) | Entity<br>Fee (\$) | Fee Description  |
|-------------------|--------------------|-------------------|--------------------|--|
| 103               | 18                 | 203               | 9                  | Claims in excess of 20                                     |
| 102               | 80                 | 202               | 40                 | Independent claims in excess of 3                          |
| 104               | 270                | 204               | 130                | Multiple dependent claim                                   |
| 109               | 80                 | 209               | 40                 | Reissue independent claims<br>over original patent         |
| 110               | 18                 | 210               | 9                  | Reissue claims in excess of 20<br>and over original patent |

**SUBTOTAL (2)** \$ 0.00**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Small<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Fee Description   | Fee Paid |
|----------------------|-----------------------|----------------------|-----------------------|---|----------|
| 105                  | 130                   | 205                  | 65                    | Surcharge - late filing fee or declaration                                  |          |
| 127                  | 50                    | 227                  | 25                    | Surcharge - late provisional filing fee or<br>or cover sheet                |          |
| 145                  | 100                   | 145                  | 100                   | Certificate of Correction   |          |
| 147                  | 2,520                 | 147                  | 2,520                 | For filing a request for reexamination                                      |          |
| 576                  | 25                    | 576                  | 25                    | Additional filing receipt, duplicate or corrected<br>due to applicant error |          |
| 113                  | 1,840*                | 113                  | 1,840*                | Requesting publication of SIR after Examiner<br>action                      |          |
| 115                  | 110                   | 215                  | 55                    | Extension for response within first month                                   |          |
| 116                  | 390                   | 216                  | 195                   | Extension for response within second month                                  |          |
| 117                  | 890                   | 217                  | 445                   | Extension for response within third month                                   |          |
| 118                  | 1,390                 | 218                  | 695                   | Extension for response within fourth month                                  |          |
| 128                  | 1,890                 | 228                  | 945                   | Extension for response within fifth month                                   |          |
| 119                  | 310                   | 219                  | 155                   | Notice of Appeal  |          |
| 120                  | 310                   | 220                  | 155                   | Filing a brief in support of an appeal                                      |          |
| 121                  | 270                   | 221                  | 135                   | Request for oral hearing  |          |
| 138                  | 1,510                 | 138                  | 1,510                 | Petition to institute a public use proceeding                               |          |
| 140                  | 110                   | 240                  | 55                    | Petition to revive unavoidably abandoned<br>application                     |          |
| 141                  | 1,240                 | 241                  | 620                   | Petition to revive unintentionally abandoned<br>application                 |          |
| 142                  | 1,240                 | 242                  | 620                   | Utility issue fee (or reissue)  |          |
| 143                  | 440                   | 243                  | 220                   | Design issue fee  |          |
| 148                  | 110                   | 248                  | 55                    | Statutory Disclaimer  |          |
| 122                  | 130                   | 122                  | 130                   | Petitions to the Commissioner   |          |
| 123                  | 50                    | 123                  | 50                    | Petitions related to provisional applications                               |          |
| 126                  | 180                   | 126                  | 180                   | Submission of Information Disclosure Stmt                                   |          |
| 581                  | 40                    | 581                  | 40                    | Recording each patent assignment per<br>property (times number of property) | 40.00    |
| 146                  | 710                   | 246                  | 355                   | Filing a submission after final rejection<br>(37 C.F.R. § 1.129(a))         |          |
| 179                  | 710                   | 279                  | 355                   | Request for Continued Examination   |          |

Other Fee (specify) \_\_\_\_\_

**SUBTOTAL (3)** \$ 40.00**SUBMITTED BY**

|                          |                        |                           |                 |
|--------------------------|------------------------|---------------------------|-----------------|
| Typed or<br>Printed Name | Michael W. Haas        | Reg. Number               | 35,174          |
| Signature                | <i>Michael W. Haas</i> | Date                      | August 08, 2001 |
|                          |                        | Deposit Account<br>Number | 50-0558         |

**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. § 122(b)(2)(B)(i)**

First Named Inventor

SCARBERRY

Title

Pneumatic Release Mechanism for a Patient  
Contacting Article

Atty Docket Number

99-31

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. § 122(b).

August 8, 2001  
Date

Michael W. Haas  
Signature

Michael W. Haas (Reg. No. 35,174)  
Typed or printed name

This request must be signed in compliance with 37 CFR §1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. § 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. § 122(b)(2)(B)(iii)).**

## Certificate of Mailing by "Express Mail"

EL 740323975 US

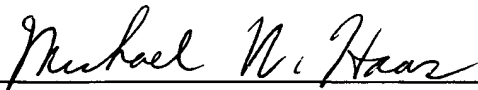
"Express Mail" label number

August 08, 2001

Date of Deposit

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and is addressed to:

Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.



Signature of person mailing correspondence

Michael W. Haas

Typed or printed name of person mailing correspondence

Note: Each paper must have its own certificate of mailing by "Express Mail".